



**DEPARTMENT OF ENVIRONMENTAL QUALITY
POLICY AND PROCEDURE**

SUBJECT: DISCRIMINATORY HARASSMENT

Number: 07- 05.06

Date: January 8, 2002

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Revised: August 14, 2006

AUTHORITY: Civil Service Rule 1-8 and Regulation 1.03

Department of Environmental Quality Work Rules

<< STATEMENT OF POLICY >>

The Department of Environmental Quality's (DEQ) employment environment shall be free from protected status harassment.

Unlawful discrimination may take a number of forms, including discriminatory harassment. The DEQ Office of Human Resources (OHR) will ensure an investigation is completed when a report of discriminatory harassment is made and take prompt and remedial action, if necessary.

Employees are protected from discrimination based on any of the following factors. Title VII of the Civil Rights Act of 1964, assigns these factors protected status under the law.

- Age
- Height
- Marital Status
- Religion
- Weight
- Color
- Genetic Information
- National Origin
- Sex
- Disability
- Partisan Consideration
- Race
- Sexual Orientation

DEFINITION

Discriminatory harassment means unwelcome advances, requests for favors, and other verbal or physical conduct or communication based upon religion, race, color, national origin, age, sex, sexual orientation, height, weight, marital status, partisan consideration, disability; or genetic information under any of the following conditions:

- A. Submission to the conduct or communication is made a term or condition, either explicitly or implicitly, to obtain employment.
- B. Submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting the person's employment.
- C. The conduct or communication has the purpose or effect of substantially interfering with a person's employment or creating an intimidating, hostile, or offensive employment environment.



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The DEQ firmly supports the prevention and elimination of unlawful harassment from the employment environment. Employees are encouraged to report any discriminatory harassment immediately. However, claimants have 180 calendar days after the alleged harassment to file a report. The Department's harassment reporting procedures provide notice to our employees of the necessary action they must take to address any violation of this policy. Discipline up to and including termination may result for any violation of this policy.

COMPLAINT HANDLING

An employee choosing to formally file a complaint should review this policy to see if their complaint meets the policy definition of discriminatory harassment. If the supervisor is the alleged harasser, then the situation should be discussed with the next higher level of supervision within the chain of command. All formal complaints should be submitted on the complaint form for discriminatory harassment reporting, EQ-1235e and sent to the attention of DEQ's Equal Opportunity Officer in the Office of Human Resources (OHR).

Note: Complaints relative to the workplace environment should be referred through the employee's division management. Complaints relating to conditions of employment should be filed in accordance with Civil Service grievance procedures or the appropriate collective bargaining agreement.

The DEQ's Equal Opportunity Officer will conduct an initial review to ensure the complaint contains the protected status elements necessary to merit discriminatory harassment. If the complaint meets this test, an investigation will be conducted and/or coordinated. If the complaint fails this test, the complainant will be informed of such in writing and referred to the appropriate person.

The DEQ's Equal Opportunity Officer will investigate a discriminatory harassment complaint in accordance with Civil Service Rules, Discriminatory Harassment Investigation Guidelines, and applicable labor contracts. The steps to occur include:



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- A. Completion of Form EQ-1235E by the complainant.
Note: The person who receives the complaint must contact the Equal Opportunity Officer and report the incident. If the complaint is originated with the Office of Human Resources, the Equal Opportunity Officer will notify the appropriate division chain of command that a complaint has been filed against an employee(s).
- B. Confidentiality and privacy are protected to the extent provided by law, but persons from whom information is taken are informed that the complainant and alleged harasser may have access to some or all of the complaint and evidence.
- C. After division management notification the investigation is conducted within a reasonable time frame, and in accordance with relevant contract language. It will include but is not limited to an interview of the complainant and the alleged harasser.
- D. If the investigation does not substantiate the complaint or it is determined there is no reasonable cause to believe the allegations, the complainant and the alleged harasser are informed of such in writing and the report is maintained only in the Equal Opportunity Officer's confidential files.
- E. If the complaint is substantiated, or it is determined there is reasonable cause to believe the allegations are true, a written report and findings of fact are prepared by the investigator and forwarded to the Office of Human Resources Director for review/action.
- F. Subsequent to review by the Office of Human Resources Director, the investigator will notify the complainant and the alleged harasser of the results of the investigation. The Office of Human Resources Director, affected Division Chief, and Deputy Directors will discuss the findings and take appropriate action, up to and including discharge. Corrective action will be communicated in accordance with labor relations guidelines through division supervision and/or management.

NOTE: Complaints of discriminatory harassment filed with the Department do not preclude the complainant from filing an action with the Michigan Department of Civil Rights or the U. S. Equal Employment Opportunity Commission (EEOC) or within the Judicial System.



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RECORDS

To assure department-wide compliance with this policy, the Equal Opportunity Officer will monitor all reported incidents of discriminatory harassment and their resolution. All records of each incident will be maintained separate from the Personnel file within the Equal Opportunity Officer's exclusive control. If no additional complaints are filed or investigations conducted regarding the alleged harasser, the record of the investigation is automatically removed from the file three (3) years after the investigation is completed.

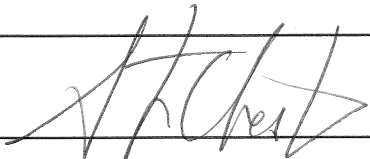
Records of disciplinary action taken are subject to the collective bargaining agreements and/or applicable Civil Service rules for record keeping purposes.

FAIR TREATMENT

The Department of Environmental Quality will take steps to assure a person, who in good faith reports, complains about, or participates in an investigation of a discriminatory harassment allegation is not subjected to retaliation. The Department will also take steps to ensure that a person, against whom such an allegation is made, is treated fairly.

AWARENESS

In accordance with Civil Services Rules and Regulations all employees shall receive Discriminatory Harassment awareness training. Supervisors will receive additional training on their duty to eliminate and prevent discriminatory harassment in the work place.

Approved:  Date: 8-18-06

QUESTIONS: Contact the DEQ Office of Human Resources at 517-335-1100.

Revised 8/14/2006